IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

WEDNESDAY, THE 10TH OCTOBER 2007 / 18TH ASWINA 1929

WP(C).No. 24779 of 2007(Y)

PETITIONER:

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1. BALAKRISHNAN, S/O.KUNHIRAMAN, AGED 42 YEARS, PUTHIYEDATH HOUSE, SIVAPURAM P.O., KOYILANDY TALUK, KOZHIKODE DISTRICT.

2. KUNHIRAMAN, S/O.CHOYI, AGED 72 YEARS, PUTHIYEDATH HOUSE, SIVAPURAM P.O., KOYILANDY TALUK, KOZHIKODE DISTRICT.

BY ADV. SRI.SUNNY MATHEW

RESPONDENTS:

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1. THE SPECIAL DEPUTY TAHSILDAR (R.R.), K.S.F.E.LTD., KALLAI ROAD, KOZHIKODE.

2. THE BRANCH MANAGER, KERALA STATE FINANCIAL ENTERPRISES LTD., KOZHIKODE.

BY ADV. SRI.M.L.SAJEEVAN, SC, KSFE LTD.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 10/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V. GIRI ,J.

WP(C).NO. 24779 of 2007

Dated this the 10th day of October, 2007

JUDGMENT

The petitioner is a subscriber of a chitty conducted by the Kerala State Financial Enterprises. Apparently, the second petitioner stood as a surety for the transaction, at a point of time, the first petitioner has prized the chit. There is default in the payment of the instalment of the chit and therefore revenue recovery action, as evidenced by Ext.P1, was taken. Pursuant to an interim order, an amount of Rs.1 lakh was paid by the petitioner, according to the learned counsel for the petitioner.

2. After having heard the learned Standing Counsel for the KSFE, this writ petition is disposed of in the following terms:

1) The balance amount due from the first petitioner towards the instalments of the chit No.17/05-39 shall be paid in three equal monthly instalments commencing from 1.11.2007. If there is default in the payment of any one of the instalments, the respondents will be entitled to proceed further with the revenue recovery action.

2) In the circumstances, interim order passed by this Court will continue for a period of three months. The petitioner shall not commit any default in payment of further instalments which falls due in future.

V. GIRI, JUDGE

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